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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 KENNETH JOHN RHULE,

13 Defendant.

CASE NO. 20-cr-105-JCC

**ORDER DENYING SECOND
REQUEST TO REOPEN
DETENTION**

14 Defendant moves for the second time to reopen the detention arguing detention should be
15 reopened because the quantity of drugs seized is "false," the drugs seized weigh 14.8 kilograms
16 and not 900 kilograms as initially alleged, and some of the lots tested showed low levels of THC.
17 Dkt. 102 at 1. In response, the government contends Defendant's argument is unfounded because
18 the government seized Marijuana plants and Marijuana distillate weighing over 900 kilos and
19 while some lots tested as low THC, other lots tested at high THC. The government contends of
20 the materials tested so far, only 207.4 grams tested as CBD, in contrast to 17 kilograms testing as
21 Marijuana or prohibited THC distillates. There are still 944 kilograms of Marijuana plants to be
22 tested which the government believes is Marijuana. The government also proffered evidence
23 seized from Defendant's computerized records show his company hired an independent lab to
test the products he was making, and the results showed the products contained THC and

1 virtually no CBD. On this record, Defendants arguments about the drug amount seized or its
2 purity is not new evidence that materially alters the detention decision and not grounds to reopen.

3 Defendant also moves to reopen raising arguments he already raised and which the Court
4 already rejected: the government falsely alleged Defendant opened a Coinbase account with a
5 false social security number; and the claim there was a thumb drive at his home with \$200,000 is
6 "apocryphal." Old arguments already ruled upon are not a basis to reopen the detention hearing.

7 The Court accordingly **ORDERS**: Defendant's second motion to reopen the detention
8 decision, Dkt. 102, is **DENIED**.

9 DATED this 21st day of May 2021.

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BRIAN A. TSUCHIDA
United States Magistrate Judge